

Phyllis Kupferstein, Esq. [SBN 108595]  
Kupferstein Manuel LLP  
865 South Figueroa Street  
Suite 3338  
Los Angeles, California 90017  
Telephone: (213) 988-7531  
Facsimile: (213) 988-7532  
pk@kupfersteinmanuel.com

Attorneys for Defendant Harvey Weinstein

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

DOMINIQUE HUETT, an individual,	)	CASE NO.: 2:18-cv-6012
	)	
Plaintiff,	)	
v.	)	<b>NOTICE OF REMOVAL</b>
	)	
THE WEINSTEIN COMPANY LLC,	)	[Removed from Los Angeles Superior
BOB WEINSTEIN and HARVEY	)	Court, Case No. BC680869]
WEINSTEIN,	)	
	)	
Defendants.	)	
	)	

Defendant Harvey Weinstein (“Weinstein”), by his undersigned attorneys, hereby gives notice of the removal of this action, pursuant to 28 U.S.C. §§ 1331, 1334(b), 1441, 1446, 1452(a), and Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), to the United States District Court for the Central District of California. Weinstein appears for the purpose of removal only and for no other purpose, and as grounds for removal, Weinstein states as follows:

**BACKGROUND**

1. This action was originally filed in California state court on October 24, 2017, against defendant The Weinstein Company LLC (“TWC”), only, and asserted a single claim, for common law negligence. On January 31, 2018, Plaintiff filed a

1 First Amended Complaint that added defendants Bob Weinstein and Harvey  
2 Weinstein, and asserted claims against them as well as TWC for violations of the sex  
3 trafficking statute, 18 U.S.C. § 1591.

4 2. Weinstein respectfully asserts, for the reasons set forth below, that this  
5 Court has subject matter jurisdiction based on federal question jurisdiction, and that  
6 this notice of removal is timely.

### 7 **GROUND FOR REMOVAL**

#### 8 **I. FEDERAL QUESTION JURISDICTION EXISTS**

9 3. The Court has subject matter jurisdiction over this case pursuant to 28  
10 U.S.C. §§ 1331 and 1441 because this is a civil action for violation of the federal sex  
11 trafficking statute, 18 U.S.C. § 1591, and the district court would have had original  
12 jurisdiction pursuant to 18 U.S.C. § 1331.

#### 13 **II. WEINSTEIN HAS SATISFIED THE PROCEDURAL** 14 **REQUIREMENTS FOR REMOVAL**

15 4. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b)  
16 because it is filed within 30 days of service of the summons and Complaint upon  
17 Weinstein. On May 22, 2018, Plaintiff's counsel mailed a Notice and  
18 Acknowledgment of Receipt of Summons, along with the summons and First  
19 Amended Complaint, to Defendant's counsel. Defendant's counsel signed the  
20 Notice and Acknowledgment of Receipt of Summons on June 11, 2018, and  
21 returned it to Plaintiff's counsel that same day. Pursuant to California Code of Civil  
22 Procedure § 415.30(c), service of the summons "is deemed complete on the date a  
23 written acknowledgment of receipt of summons is executed," if thereafter returned.  
24 Accordingly, Weinstein has 30 days from June 11, 2018, to remove this action  
25 pursuant to 28 U.S.C. § 1446(b).

26 5. Defendant Bob Weinstein has not been served. Defendant TWC has  
27 filed for bankruptcy and the action against it has been automatically stayed. On  
28

1 March 21, 2018, TWC filed a Notice of Suggestion on Pendency of Bankruptcy and  
2 Automatic Stay of Proceedings.

3 6. This action, filed in the California Superior Court of Los Angeles  
4 County, is being removed to the district and division embracing the place where the  
5 action is pending. *See* 28 U.S.C. § 1441(a).

6 7. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings and  
7 orders served on the Removing Defendant, which papers include the original and  
8 First Amended Complaint, are attached collectively as Exhibit A.

9 8. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is  
10 being served upon counsel for Plaintiff and a copy is being filed with the Clerk of the  
11 Superior Court of the County of Los Angeles.

12 WHEREFORE, Harvey Weinstein respectfully removes this action from the  
13 Superior Court of the County of Los Angeles, in the State of California, bearing  
14 number BC680869, to this Court.

15 Dated: July 10, 2018

16 KUPFERSTEIN MANUEL LLP

17  
18 /s/

19 Phyllis Kupferstein  
20 865 South Figueroa Street  
21 Suite 3338  
22 Los Angeles, California 90017  
23 Telephone: (213) 988-7531  
24 Facsimile: (213) 988-7532  
25 pk@kupfersteinmanuel.com  
26  
27  
28